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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,762	07/15/2003	Takeharu Muramatsu	1254-0230P	6012
2292	7590	11/02/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			ST CYR, DANIEL	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			2876	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/618,762	MURAMATSU ET AL.	
	Examiner	Art Unit	
	Daniel St.Cyr	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 August 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 4-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 4-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/04, 10/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of group II, claims 4,6, 8, 12, 13 in the reply filed on 8/11/05 is acknowledged. The applicant's arguments regarding non-elected claims 5, 7, and 9-11 are found to be persuasive by the examiner. Claims 4-13 are being examined.

Claim Objections

2. Claim 5 is objected to because of the following informalities: the applicant seems to consider the claim as an independent claim, he should recite all the limitations in the claim instead of referring to claim. Appropriate correction is required.

) *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 4-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Daisuke, JP patent No. 2002-125008A.

Daisuke disclose a cellular phone comprising: an imaging unit 216 for photographing encoded data (figure 3) comprising a header portion 203 (ID section) and a body portion 202 (code section), the header portion including a data identifier indicating the type of data in the body portion; a data identifying unit (inherent includes to process the ID code having the details of the code) for determining the type of the encoded data photographed by the imaging unit on the basis of the data identifier (see fig. 10); and a control unit for reading the encoded data

depending on the data type determined by the data identifying unit, and reproducing the data that has been read (the system includes controller/processor circuits for controlling the operation of the terminal and to process the data according to the identified data. (See figs. 3, 9, and 10).

Re claims 5, 9, the terminal is a cellular phone (see figure 1).

Re claims 6, 12, the code is encrypted (encoded) into a cyber-code 202, the code is determined then reproduce into a memory for storage 223/108 or reproduce into a speaker.

Re claims 7, 13, the type of data (303) is display is display in the screen in the code data is reproduced. (See figure 7c).

Response to Arguments

5. Applicant's arguments filed 4/28/05 have been fully considered but they are not persuasive. (see examiner remarks).

REMARKS:

In response to the applicant's argument regarding claim 5, the examiner respectfully disagrees. The claim should be written into independent form.

Claims 1-3 are non-elected claims, no response to arguments pertaining to these claims.

In response to the applicant's argument that the reference fails to teach an identified, the examiner respectfully disagrees. the cyber-code has an ID section 203, code section 202, and a logo section 201 (see figure 3). Furthermore, the examiner identifies all the claimed elements in the rejection above.

The applicant's arguments are not persuasive. Refer to the rejection above.

Conclusion

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6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

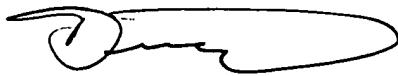
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Daniel St.Cyr
Primary Examiner
Art Unit 2876

A handwritten signature in black ink, appearing to read "Daniel St.Cyr". The signature is fluid and cursive, with a large, stylized 'D' at the beginning.

DS
October 29, 2005